

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE - EXAMINING GROUP 1761

8/DE
11/7/2

Attorney's Docket No. 5540-1ACXCT2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Vandepopuliere et al.

Serial No.: 09/922,824

Filed: August 6, 2001

Examiner: A. Weier

For: *METHOD OF CONTROLLING
SALMONELLA IN SHELL EGGS*

Date: August 19, 2002

Box AF

Honorable Commissioner for Patents
Washington, DC 20231**OFFICIAL****Request for Reconsideration**

Sir:

In response to the Final Official Action dated May 17, 2002, it is respectfully requested that this application be reconsidered in view of the following remarks. No claim amendments are submitted herein; accordingly Applicants submit that this response raises no new issues that would preclude entry thereof, and request that this Request for Reconsideration be entered into the record.

Remarks

Claims 24-30 were under examination in the outstanding Final Action. The only remaining issues are a rejection under 35 U.S.C. §102 (e) over U.S. Patent No. 5,431, 939 to Cox et al. and a double-patenting rejection over U.S. Patent No. 6,303,176. These rejections are addressed below.

I. The Claims are Patentable over Cox et al.

Claims 24-30 stand finally rejected for anticipation over U.S. Patent No. 5,431,939 to Cox et al. (*hereinafter*, "the '939 patent"). This rejection is respectfully traversed below.

Although not explicitly stated in the Final Action, Applicants assume that in issuing the present rejection, the Examiner is primarily relying on